

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**DOUGLAS ECKHARDT,**

**Defendant.**

**8:18CR37**

**PRELIMINARY ORDER OF  
FORFEITURE**

This matter is before the Court on the United States' Motion for Preliminary Order of Forfeiture, ECF No. 52. The Court has reviewed the record in this case and, being duly advised in the premises, finds as follows:

1. On May 6, 2019, defendant entered into a Plea Agreement, ECF No. 51, and entered a plea of guilty to Count II of the Indictment, namely conspiracy to distribute marijuana in violation of 21 U.S.C. § 846, and agreed to admit to the Forfeiture Allegation. The Forfeiture Allegation charged that defendant used \$33,120.00 in United States currency to facilitate the commission of the offense and/or was derived from proceeds obtained directly or indirectly as a result of the commission of the offense.

2. By virtue of said plea of guilty, defendant forfeited his interest in the \$33,120.00, and the United States is entitled to possession of the \$33,120.00 pursuant to 21 U.S.C. § 853. The parties agree that the United States will return \$1,100.00 of the \$33,120.00 to defendant and that the amount to be forfeited is \$32,020.00. The United States will tender payment to the trust account of defendant's attorney, Lawrence G. Whelan, who will provide directions for transfer of the funds.

3. Accordingly, the Motion for Preliminary Order of Forfeiture will be granted.

IT IS ORDERED:

- A. The Motion for Preliminary Order of Forfeiture, ECF No. 52, is granted.
- B. Based upon the Forfeiture Allegation of the Indictment and defendant's plea of guilty, the United States is hereby authorized to seize the \$32,020.00 in United States currency and may return \$1,100.00 to defendant.
- C. Defendant's interest in the \$32,020.00 is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).
- D. The United States shall hold the \$32,020.00 in its secure custody and control.
- E. Pursuant to 21 U.S.C. § 853(n)(1), the United States shall publish notice of this Preliminary Order of Forfeiture for at least thirty consecutive days on an official internet government forfeiture site, [www.forfeiture.gov](http://www.forfeiture.gov). The United States may also, to the extent practicable, provide direct written notice to any person known to have an interest in the currency.
- F. Pursuant to 21 U.S.C. § 853(n)(2), notice shall provide that any person, other than the defendant, having or claiming a legal interest in any of the subject currency must file a petition with this Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.
- G. Pursuant to 21 U.S.C. § 853(n)(3), a petitioner must sign the petition under penalty of perjury and set forth the nature and extent of the petitioner's right, title or interest in the subject currency and any additional facts supporting the petitioner's claim and the relief sought.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Dated this 8th day of May 2019.

BY THE COURT:

s/Laurie Smith Camp  
Senior United States District Judge